

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JULIA FORD

V.

**CENPATICO BEHAVIORAL HEALTH
LLC, CENCORP HEALTH SOLUTIONS,
& CENTENE CORPORATION**

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A-09-CV-901 LY

ORDER

Before the Court is Defendants Cenpatico Behavioral Health, LLC, Cencorp Health Solutions and Centene Corporation's ("Defendants") Motion to Compel, filed on December 17, 2009 (Clerk's Docket No. 31). Plaintiff Julia Ford ("Plaintiff") did not file a response to the Motion.

Defendants originally served Plaintiff with interrogatories and requests for production on September 29, 2009. Plaintiff failed to respond to the written discovery by the November 2, 2009 deadline. On November 4, 2009, Defendants sent Plaintiff a second set of discovery requests (by e-mail and certified mail). Plaintiff failed to respond to the second set of discovery requests as well. Defendants have now filed the instant Motion to Compel pursuant to Federal Rule of Civil Procedure 37, asking that the Court compel Plaintiff to respond to Defendants' discovery requests. Plaintiff has not responded to that motion.

Because Plaintiff has failed to respond to Defendants' discovery requests and failed to respond to the Motion to Compel, the Court finds that the Motion to Compel should be **GRANTED**. Accordingly, the Court HEREBY ORDERS Plaintiff to fully respond to Defendants' discovery requests no later than **January 22, 2010**.

Under Rule 37(a)(5)(A), if a motion to compel is granted, the court “must, after giving an opportunity to be heard, require the party . . . whose conduct necessitated the motion . . . to pay to the moving party the reasonable expenses incurred in making the motion, including attorney’s fees.” FED. R. CIV. P. 37(a)(5)(A). In accordance with this provision, in the event that the Plaintiff does not respond to the discovery by January 22, 2010, as required by this order, the Court will have no choice but to order Plaintiff to pay Defendants for the attorney’s fees and costs they incurred in filing the motion to compel.

Finally, the Court WARNS Plaintiff that if she fails to fully respond to Defendants’ discovery requests or otherwise comply with this order by the deadline set, the Court may impose additional sanctions, which could include an order dismissing Plaintiff’s lawsuit pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(i)-(vii).

SIGNED this 4th day of January, 2010.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE